

February 11, 2021

By ECF

Hon. Jesse M. Furman
United States District Judge
U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *Accent Delight Int'l Ltd. et al. v. Sotheby's et al.*, No. 18-CV-9011

Dear Judge Furman:

We write jointly on behalf of Plaintiffs and Defendants to request an extension of the deadline for the close of fact discovery from March 31, 2021 to August 31, 2021. *See* ECF No. 197. This is the parties' second request for extension of a discovery deadline.

The parties require additional time to complete fact discovery despite their diligent efforts and progress to date. Subject to resolution of the parties' ongoing disputes concerning the completeness of their respective productions, Plaintiffs completed their production of 12,458 documents on December 18, 2020; Defendants produced 15,073 documents by December 31, 2021, and by February 4, 2021 completed their production with an additional 2,458 documents (comprised largely of documents produced either in full or redacted form in connection with the finalization of Sotheby's privilege log or following review of a set of previously reviewed documents in order to respond to a later discovery request by Plaintiffs that was the subject of extensive negotiation). The large volume of documents still to be reviewed compounds the need for additional time to complete fact discovery. Further, a substantial number of documents have required and still require translation from other languages, including French, German, and Russian; the parties need to work through the process of agreeing upon a set of certified document translations heading into the deposition phase of the case, which has not yet begun. As noted above, both parties also anticipate that there will be privilege and other discovery disputes which will require further meet and confer sessions and potential court rulings.

Once document review is complete, the parties anticipate that at least 20 depositions will be required in this case, including third parties, current and former Sotheby's employees, and Plaintiffs' representatives. The majority of the deponents live overseas in different time zones and some depositions will require simultaneous translation, making it difficult to conduct and schedule many of these depositions virtually. The ongoing pandemic makes it impossible as of now to travel for these depositions. At the very least, scheduling and conducting these depositions will be complicated and delayed. In addition, as the Court is aware, some of the depositions in this case will be taken pursuant to the letters of request Sotheby's has obtained through the Hague Convention, a process which has required foreign court intervention and created delays in service and proceeding. After extensive proceedings in the UK, the deposition of Tetiana Bersheda is finally being scheduled but cannot take place before the current discovery deadline. Jean-Marc Peretti has challenged the Swiss court's order that he

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provide evidence, and Sotheby's understands that the Swiss court has mailed a request to Your Honor; Sotheby's intends to submit a letter to Your Honor shortly seeking relief in connection with that request. Finally, although Sotheby's obtained an order from the Singapore court requiring Yves Bouvier to produce documents and be deposed, thereafter obtained an order from the Singapore court allowing Sotheby's to serve Mr. Bouvier in Singapore and through his counsel in the United States, and subsequently served Mr. Bouvier, it is presently unclear when that deposition will take place and whether Mr. Bouvier will seek to challenge the Singapore court's order. Further delay in this regard is therefore also anticipated.

The requested extension would give the parties the necessary time to resolve these issues and complete fact discovery. The next status conference in this case is scheduled for April 7, 2021 at 3:00pm.

Respectfully,

Daniel J. Kornstein & Marcus A. Asner

c. All counsel of record (*by ECF*)

The Application is GRANTED. The deadline for the close of fact discovery is hereby EXTENDED until **August 31, 2021**. The parties are warned, however, not to expect further extensions of the fact discovery deadline. The April 7, 2021 pretrial conference remains in effect; if the parties agree there is no need for a conference at that time, however, they may seek an adjournment by letter motion. The Clerk of Court is directed to terminate ECF No. 228. SO ORDERED.



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